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terms conservative and radical rules, which leave the impression that the author leans, if at all, toward the radical, though in his preface he rather claims to be a conservative, at least with reference to the extent to which State regulation of private business should go. He is clear, however, in sounding the note that business is more and more becoming affected with a public interest, and that as it does thus change the law must more and more furnish the necessary regulation to save the public good.

After an historical introduction the work discusses in turn, Book I, Establishment of Public Calling; Book II, Obligations of Public Duty; Book III, Conduct of Public Employment; Book IV, Regulation of Public Service. Appendices are devoted to a reprint of the Interstate Commerce Act, Commerce Court Act, Elkins Act, Expediting Act, and forms for proceedings before and by commissions. In citing authorities the effort has been to select the few best cases rather than to make citations exhaustive, though on some of the newer phases of the subject all the cases thus far arising have been noted.

On the whole Mr. Wyman has given the profession a simple, clear, full and very interesting and instructive survey in a single work, of law that is of great and growing importance, which is being applied with increasing frequency in an ever broadening field, and which has hitherto been available only in scattered records. For this, and for the able manner in which he has accomplished it, the author has laid the profession under a substantial obligation.

E. C. G.

COMMENTARIES ON THE LAW IN SHAKESPEARE, WITH EXPLANATION OF THE
LEGAL TERMS USED IN THE PLAYS, POEMS AND SONNETS, AND DIS-
CUSSION OF THE CRIMINAL TYPES PRESENTED. By Edw. J. White, St.
Louis, Mo.: The F. H. Thomas Law Book Co., 1911, pp. 524.

Shakespeare's astonishing acquaintance with law and law terms has called forth a long series of volumes, of which this is the latest. The bulk of this volume (524 large octavo pages), when compared with other volumes on this subject, is unusual; and is to be explained by the author's practice of including in voluminous notes all examples of legal terms found in Shakespeare. Bartlett's *Concordance* furnishes the examples more handily arranged, but to one not having access to Bartlett, this inclusion adds a certain practical value to a one volume survey of Shakespeare's use of legal terms.

The practical features of this book generally, are its especial merit. It is "an attempt to abstract and brief every proposition of law, discussed or presented by the poet, in his plays and sonnets." In this endeavor to make clear "every proposition of law," the author has accomplished his best services in defining and explaining the half-obvious legal meanings, that have been taken for granted too often by many editors.

Here and there, however, this method of refusing to take for granted anything has been carried too far, resulting in a needless over-explicitness. For example, it is explained (p. 75) of Dogberry's preliminary examination of his prisoners, that "the crime of 'perjury' of course, was not committed

by the calling of Don John a villain, but if any offense this would be slander only." Again (p. 41) in reference to Olivia's telling Malvolio that he should be both plaintiff and judge of his own cause, we are told that "of course this would be an unheard of legal proceeding, wherein a party was also a judge in the cause, for it would lack the disinterested element which must always characterize the judge of any controversy."

An inclination is evident in other places to read into words and phrases legal meanings that do not exist. In *Twelfth Night* (Act 4, Scene 1), after Sir Andrew has received several unexpected blows from Sebastian, whom he had attacked under the impression that his victim was Cesario, he exclaims:

"Nay, let him alone; I'll go another way to work with him: I'll have an action of battery against him if there be any law in Illyria. *Though I struck him first, yet it's no matter for that.*" Mr. White explains Sir Andrew's last words by assuming on the latter's part an intimate knowledge of the law that permits a man to defend himself, but not to retaliate to the injury of the attacking party. "Force may be used," to quote his words, "only to avert an impending evil and to prevent a person from being overwhelmed, but not as a punishment or by way of retaliation for an injurious assault. Any addition of specific ultimate wrong or means by which additional danger is inflicted generally is held to increase the offense of battery, hence, the conclusion of the speaker, 'though I struck him first, yet it is no matter,' since in strict legal aspect, the previous treatment would not have justified the punishment subsequently inflicted and an action for damages would lie therefor." This intimate knowledge of the law on the part of Sir Andrew is certainly less in character than a foolish self-persuasion on Sir Andrew's part, that he could effect the disgrace of his opponent, even though he himself had not kept "o' the windy side of the law."

Also Leonato's comment (*Much Ado*, Act 2, Scene 4) upon the necessity of a God-fearing man entering upon a quarrel with fear and trembling is explained (p. 66) with reference "to the legal attitude such a person would occupy, for in law, one who is not in the peace himself cannot have his peace disturbed." Birch [*Philosophy and Religion of Shakespeare*, p. 308], correctly interpreted this passage as an ironical thrust at the Puritans who were frequently represented by their enemies as eager to urge a scriptural injunction to cover a natural disinclination to personal combat. Fabian's reference to Cesario (*Twelfth Night*, Act 3, Scene 4), as "a coward, a most devout coward, religious in it," glances at the same ironical association of ideas in Shakespeare's mind.

It is regrettable that more care was not taken to make the frequent quotations from Shakespeare more reliable. In an examination of the passages quoted from three plays I have noted the following corruptions of text:

P. 94 (*Love's Labor's Lost*, Act 1, Scene 1): *continental cannon*, should be *continent canon*.

P. 102 (*Love's Labor's Lost*, Act 2, Scene 1): *daily sin*, should be *deadly sin*.

P. 252 (*1 Henry IV*, Act 1, Scene 1): *Mordrake*, should be *Mordake*.

P. 256 (1 Henry IV, Act 2, Scene 4): *how plain a tale*, should be *how a plain tale*.

P. 258 (1 Henry IV, Act 2, Scene 4): *into*, should be *unto*.

P. 261 (1 Henry IV, Act 3, Scene 2): *to a strict account*, should be *to so strict account*.

P. 263 (1 Henry IV, Act 4, Scene 1): *his rich reprisal*, should be *this rich reprisal*.

P. 263 (1 Henry IV, Act 5, Scene 4): *a counterfeit of a man who has*, should be *the counterfeit of a man who hath*.

P. 267 (2 Henry IV, Act 1, Scene 2): *and a bunch of keys * * I had as lief they put rats-bone in my mouth*, should be *and bunches of keys * * I had as lief they would put rats-bane in my mouth*.

P. 268 (2 Henry IV, Act 1, Scene 2): *If I become*, should be *if I do become*.

This volume as a whole is a comprehensive study of the field it covers; and although it is not able to add any considerable information to the sum of our knowledge on this subject, it is yet a stimulating presentation of this phase of the master mind.

M. P. T.